

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 199: Juvenile Delinquency Prevention Act of 2006;
create.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting
in lieu thereof the following:

22 **SECTION 1.** Section 43-21-201, Mississippi Code of 1972, is
23 amended as follows:

24 43-21-201. (1) Each party shall have the right to be
25 represented by counsel at all stages of the proceedings including,
26 but not limited to, detention, adjudicatory and disposition
27 hearings and parole or probation revocation proceedings. If the
28 party is a child, the child shall be represented by counsel at all
29 critical stages. If indigent, the child shall have the right to
30 have counsel appointed for him by the youth court.

31 (2) When a party first appears before the youth court, the
32 judge shall ascertain whether he is represented by counsel and, if
33 not, inform him of his rights including his right to counsel.

34 (3) An attorney appointed to represent a delinquent child
35 shall be required to complete annual juvenile justice training
36 that is approved by the Mississippi Judicial College or The
37 Mississippi Bar Association. The Mississippi Judicial College and
38 The Mississippi Bar Association shall determine the amount of
39 juvenile justice training and continuing education required to
40 fulfill the requirements of this subsection. The Administrative
41 Office of Courts shall maintain a roll of attorneys who have
42 complied with the training requirements and shall enforce the

43 provisions of this subsection. Should an attorney fail to
44 complete the annual training requirement or fail to attend the
45 required training within six (6) months of being appointed to a
46 youth court case, the attorney shall be disqualified to serve and
47 the youth court shall immediately terminate the representation and
48 appoint another attorney. Attorneys appointed by a youth court to
49 five (5) or fewer cases a year are exempt from the requirements of
50 this subsection.

51 (4) An attorney shall enter his appearance on behalf of a
52 party in the proceeding by filing a written notice of appearance
53 with the youth court, by filing a pleading, notice or motion
54 signed by counsel or by appearing in open court and advising the
55 youth court that he is representing a party. After counsel has
56 entered his appearance, he shall be served with copies of all
57 subsequent pleadings, motions and notices required to be served on
58 the party he represents. An attorney who has entered his
59 appearance shall not be permitted to withdraw from the case until
60 a timely appeal if any has been decided, except by leave of the
61 court then exercising jurisdiction of the cause after notice of
62 his intended withdrawal is served by him on the party he
63 represents.

64 (5) Each designee appointed by a youth court judge shall be
65 subject to the Code of Judicial Conduct and shall govern himself
66 or herself accordingly.

67 **SECTION 2.** Section 43-21-301, Mississippi Code of 1972, is
68 amended as follows:

69 43-21-301. (1) No court other than the youth court shall
70 issue an arrest warrant or custody order for a child in a matter
71 in which the youth court has exclusive original jurisdiction but
72 shall refer the matter to the youth court.

73 (2) Except as otherwise provided, no child in a matter in
74 which the youth court has exclusive original jurisdiction shall be

75 taken into custody by a law enforcement officer, the Department of
76 Human Services, or any other person unless the judge or his
77 designee has issued a custody order to take the child into
78 custody.

79 (3) The judge or his designee may issue an order to a law
80 enforcement officer, the Department of Human Services, or any
81 suitable person to take a child into custody for a period not
82 longer than forty-eight (48) hours, excluding Saturdays, Sundays,
83 and statutory state holidays if it appears that there is probable
84 cause to believe that:

85 (a) The child is within the jurisdiction of the court;
86 and

87 (b) Custody is necessary; custody shall be deemed
88 necessary:

89 (i) When a child is endangered or any person would
90 be endangered by the child; or

91 (ii) To insure the child's attendance in court at
92 such time as required; or

93 (iii) When a parent, guardian or custodian is not
94 available to provide for the care and supervision of the child;
95 and

96 (c) There is no reasonable alternative to custody.

97 (4) The judge or his designee may order, orally or in
98 writing, the immediate release of any child in the custody of any
99 person or agency. Custody orders as provided by this chapter and
100 authorizations of temporary custody may be written or oral, but,
101 if oral, reduced to writing as soon as practicable. The written
102 order shall:

103 (a) Specify the name and address of the child, or, if
104 unknown, designate him or her by any name or description by which
105 he or she can be identified with reasonable certainty;

106 (b) Specify the age of the child, or, if unknown, that
107 he or she is believed to be of an age subject to the jurisdiction
108 of the youth court;

109 (c) Except in cases where the child is alleged to be a
110 delinquent child or a child in need of supervision, state that the
111 effect of the continuation of the child's residing within his or
112 her own home would be contrary to the welfare of the child, that
113 the placement of the child in foster care is in the best interests
114 of the child, and unless the reasonable efforts requirement is
115 bypassed under Section 43-21-603(7)(c), also state that (i)
116 reasonable efforts have been made to maintain the child within his
117 or her own home, but that the circumstances warrant his removal
118 and there is no reasonable alternative to custody; or (ii) the
119 circumstances are of such an emergency nature that no reasonable
120 efforts have been made to maintain the child within his own home,
121 and that there is no reasonable alternative to custody. If the
122 court makes a finding in accordance with (ii) of this paragraph,
123 the court shall order that reasonable efforts be made towards the
124 reunification of the child with his or her family.

125 (d) State that the child shall be brought immediately
126 before the youth court or be taken to a place designated by the
127 order to be held pending review of the order;

128 (e) State the date issued and the youth court by which
129 the order is issued; and

130 (f) Be signed by the judge or his designee with the
131 title of his office.

132 (5) The taking of a child into custody shall not be
133 considered an arrest except for evidentiary purposes.

134 (6) (a) No child who has been accused or adjudicated of any
135 offense that would not be a crime if committed by an adult shall
136 be placed * * * in an adult jail or lockup. * * * An accused
137 status offender shall not be held in secure detention * * * longer

138 than twenty-four (24) hours prior to and twenty-four (24) hours
139 after an initial court appearance, excluding Saturdays, Sundays
140 and statutory state holidays, * * * except under the following
141 circumstances: a status offender may be held in secure detention
142 for violating a valid court order pursuant to the criteria as
143 established by the federal Juvenile Justice and Delinquency
144 Prevention Act of 2002, and any subsequent amendments thereto, and
145 out-of-state runaways may be detained pending return to their home
146 state.

147 (b) No accused or adjudicated juvenile offender, except
148 for an accused or adjudicated juvenile offender in cases where
149 jurisdiction is waived to the adult criminal court, shall be
150 detained or placed into custody of any adult jail or lockup for a
151 period in excess of six (6) hours.

152 (c) If any county violates the provisions of paragraph
153 (a) or (b) of this subsection, the state agency authorized to
154 allocate federal funds received pursuant to the Juvenile Justice
155 and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in
156 scattered sections of 5, 18, 42 USCS), shall withhold the county's
157 share of such funds.

158 (d) Any county that does not have a facility in which
159 to detain its juvenile offenders in compliance with the provisions
160 of paragraphs (a) and (b) of this subsection may enter into a
161 contractual agreement with any county or municipality that does
162 have such a facility, or with the State of Mississippi, or with
163 any private entity that maintains a juvenile correctional
164 facility, or with the State of Mississippi, to detain or place
165 into custody the juvenile offenders of the county not having such
166 a facility.

167 (e) Notwithstanding the provisions of paragraphs (a),
168 (b), (c) and (d) of this subsection, all counties shall be allowed

169 a one-year grace period from March 27, 1993, to comply with the
170 provisions of this subsection.

171 **SECTION 3.** Section 43-21-311, Mississippi Code of 1972, is
172 amended as follows:

173 43-21-311. (1) When a child is taken into custody, he shall
174 immediately be informed of:

175 (a) The reason for his custody;

176 (b) The time within which review of the custody shall
177 be held;

178 (c) His rights during custody including his right to
179 counsel;

180 (d) All rules and regulations of the place at which he
181 is held;

182 (e) The time and place of the detention hearing when
183 the time and place is set; and

184 (f) The conditions of his custody which shall be in
185 compliance with the detention requirements provided in Section
186 43-21-301(6).

187 These rights shall be posted where the child may read them,
188 and such rights must be read to the child when he or she is taken
189 into custody.

190 (2) When a child is taken into custody, the child may
191 immediately telephone his parent, guardian or custodian; his
192 counsel; and personnel of the youth court. Thereafter, he shall
193 be allowed to telephone his counsel or any personnel of the youth
194 court at reasonable intervals. Unless the judge or his designee
195 finds that it is against the best interest of the child, he may
196 telephone his parent, guardian or custodian at reasonable
197 intervals.

198 (3) When a child is taken into custody, the child may be
199 visited by his counsel and authorized personnel of the youth court
200 at any time. Unless the judge or his designee finds it to be

201 against the best interest of the child, he may be visited by his
202 parent, guardian or custodian during visiting hours which shall be
203 regularly scheduled at least three (3) days per week. The youth
204 court may establish rules permitting visits by other persons.

205 (4) Except for the child's counsel, guardian ad litem and
206 authorized personnel of the youth court, no person shall interview
207 or interrogate a child held in a detention or shelter facility
208 unless approval therefor has first been obtained from the judge or
209 his designee. When a child in a detention or shelter facility is
210 represented by counsel or has a guardian ad litem, no person may
211 interview or interrogate the child concerning the violation of a
212 state or federal law, or municipal or county ordinance by the
213 child unless in the presence of his counsel or guardian ad litem
214 or with their consent.

215 **SECTION 4.** Section 43-21-321, Mississippi Code of 1972, is
216 amended as follows:

217 43-21-321. (1) All juveniles shall undergo a health
218 screening within one (1) hour of admission to any juvenile
219 detention center, or as soon thereafter as reasonably possible.
220 Information obtained during the screening shall include, but shall
221 not be limited to, the juvenile's:

- 222 (a) Mental health;
- 223 (b) Suicide risk;
- 224 (c) Alcohol and other drug use and abuse;
- 225 (d) Physical health;
- 226 (e) Aggressive behavior;
- 227 (f) Family relations;
- 228 (g) Peer relations;
- 229 (h) Social skills;
- 230 (i) Educational status; and
- 231 (j) Vocational status.

232 (2) If the screening instrument indicates that a juvenile is
233 in need of emergency medical care or mental health intervention
234 services, the detention staff shall refer those juveniles to the
235 proper health care facility or community mental health service
236 provider for further evaluation, as soon as reasonably possible.
237 If the screening instrument, such as the Massachusetts Youth
238 Screening Instrument version 2 (MAYSI-2) or other comparable
239 mental health screening instrument indicates that the juvenile is
240 in need of emergency medical care or mental health intervention
241 services, the detention staff shall refer the juvenile to the
242 proper health care facility or community mental health service
243 provider for further evaluation, recommendation and referral for
244 treatment, if necessary, within forty-eight (48) hours, excluding
245 Saturdays, Sundays and statutory state holidays.

246 (3) All juveniles shall receive a thorough orientation to
247 the center's procedures, rules, programs and services. The intake
248 process shall operate twenty-four (24) hours per day.

249 (4) The directors of all of the juvenile detention centers
250 shall amend or develop written procedures for admission of
251 juveniles who are new to the system. These shall include, but are
252 not limited to, the following:

253 (a) Determine that the juvenile is legally committed to
254 the facility;

255 (b) Make a complete search of the juvenile and his
256 possessions;

257 (c) Dispose of personal property;

258 (d) Require shower and hair care, if necessary;

259 (e) Issue clean, laundered clothing, as needed;

260 (f) Issue personal hygiene articles;

261 (g) Perform medical, dental and mental health
262 screening;

263 (h) Assign a housing unit for the juvenile;

264 (i) Record basic personal data and information to be
265 used for mail and visiting lists;

266 (j) Assist juveniles in notifying their families of
267 their admission and procedures for mail and visiting;

268 (k) Assign a registered number to the juvenile; and

269 (l) Provide written orientation materials to the
270 juvenile.

271 (5) All juvenile detention centers shall adhere to the
272 following minimum standards:

273 (a) Each center shall have a manual that states the
274 policies and procedures for operating and maintaining the
275 facility, and the manual shall be reviewed annually and revised as
276 needed;

277 (b) Each center shall have a policy that specifies
278 support for a drug-free workplace for all employees, and the
279 policy shall, at a minimum, include the following:

280 (i) The prohibition of the use of illegal drugs;

281 (ii) The prohibition of the possession of any
282 illegal drugs except in the performance of official duties;

283 (iii) The procedure used to ensure compliance with
284 a drug-free workplace policy;

285 (iv) The opportunities available for the treatment
286 and counseling for drug abuse; and

287 (v) The penalties for violation of the drug-free
288 workplace policy;

289 (c) Each center shall have a policy, procedure and
290 practice that ensures that personnel files and records are
291 current, accurate and confidential;

292 (d) Each center shall promote the safety and protection
293 of juvenile detainees from personal abuse, corporal punishment,
294 personal injury, disease, property damage and harassment;

295 (e) Each center shall have written policies that allow
296 for mail and telephone rights for juvenile detainees, and the
297 policies are to be made available to all staff and reviewed
298 annually;

299 (f) Center food service personnel shall implement
300 sanitation practices based on State Department of Health food
301 codes;

302 (g) Each center shall provide juveniles with meals that
303 are nutritionally adequate and properly prepared, stored and
304 served according to the State Department of Health food codes;

305 (h) Each center shall offer special diet food plans to
306 juveniles under the following conditions:

307 (i) When prescribed by appropriate medical or
308 dental staff; or

309 (ii) As directed or approved by a registered
310 dietitian or physician; and

311 (iii) As a complete meal service and not as a
312 supplement to or choice between dietary meals and regular meals;

313 (i) Each center shall serve religious diets when
314 approved and petitioned in writing by a religious professional on
315 behalf of a juvenile and approved by the juvenile detention center
316 director;

317 (j) Juvenile detention center directors shall provide a
318 written method of ensuring regular monitoring of daily
319 housekeeping, pest control and sanitation practices, and centers
320 shall comply with all federal, state and local sanitation and
321 health codes;

322 (k) Juvenile detention center staff shall screen
323 detainees for medical, dental and mental health needs during the
324 intake process. If medical, dental or mental health assistance is
325 indicated by the screening, or if the intake officer deems it
326 necessary, the detainee shall be provided access to appropriate

327 health care professionals for evaluation and treatment. Youth who
328 are held less than seventy-two (72) hours shall receive treatment
329 for emergency medical, dental or mental health assistance or
330 chronic conditions if a screening indicates such treatment is
331 needed. A medical history of all detainees shall be completed by
332 the intake staff of the detention center immediately after arrival
333 at the facility by using a medical history form which shall
334 include, but not be limited to, the following:

335 (i) Any medical, dental and mental health
336 treatments and medications the juvenile is taking;

337 (ii) Any chronic health problems such as
338 allergies, seizures, diabetes, hearing or sight loss, hearing
339 conditions or any other health problems; and

340 (iii) Documentation of all medications
341 administered and all health care services rendered;

342 (l) Juvenile detention center detainees shall be
343 provided access to medical care and treatment while in custody of
344 the facility;

345 (m) Each center shall provide reasonable access by
346 youth services or county counselors for counseling opportunities.
347 The youth service or county counselor shall visit with detainees
348 on a regular basis;

349 (n) Juvenile detention center detainees shall be
350 referred to other counseling services when necessary including:
351 mental health services; crisis intervention; referrals for
352 treatment of drugs and alcohol; special offender treatment groups;

353 (o) Local school districts shall work collaboratively
354 with juvenile detention center staff to provide special education
355 services as required by state and federal law;

356 (p) Recreational services shall be made available to
357 juvenile detainees for purpose of physical exercise;

358 (q) Juvenile detention center detainees shall have the
359 opportunity to participate in the practices of their religious
360 faith as long as such practices do not violate facility rules and
361 are approved by the director of the juvenile detention center;

362 (r) Each center shall provide sufficient space for a
363 visiting room, and the facility shall encourage juveniles to
364 maintain ties with families through visitation, and the detainees
365 shall be allowed the opportunity to visit with the social workers,
366 counselors and lawyers involved in the juvenile's care;

367 (s) Juvenile detention centers shall ensure that staffs
368 create transition planning for youth leaving the facilities.
369 Plans shall include providing the youth and his or her parents or
370 guardian with copies of the youth's training school educational
371 and health records, information regarding the youth's home
372 community, referrals to mental and counseling services when
373 appropriate, and providing assistance in making initial
374 appointments with community service providers; and

375 (t) The Juvenile Detention Facilities Monitoring Unit
376 shall monitor the detention facilities for compliance with these
377 minimum standards, and no child shall be housed in a detention
378 facility the monitoring unit determines is substantially out of
379 compliance with the standards prescribed in this subsection.

380 * * *

381 (6) Programs and services shall be initiated for all
382 juveniles once they have completed the admissions process.

383 (7) Programs and professional services may be provided by
384 the detention staff, youth court staff or the staff of the local
385 or state agencies, or those programs and professional services may
386 be provided through contractual arrangements with community
387 agencies.

388 (8) Persons providing the services required in this section
389 must be qualified or trained in their respective fields.

390 (9) All directors of juvenile detention centers shall amend
391 or develop written procedures to fit the programs and services
392 described in this section.

393 **SECTION 5.** Section 43-21-605, Mississippi Code of 1972, is
394 amended as follows:

395 43-21-605. (1) In delinquency cases, the disposition order
396 may include any of the following alternatives:

397 (a) Release the child without further action;

398 (b) Place the child in the custody of the parents, a
399 relative or other persons subject to any conditions and
400 limitations, including restitution, as the youth court may
401 prescribe;

402 (c) Place the child on probation subject to any
403 reasonable and appropriate conditions and limitations, including
404 restitution, as the youth court may prescribe;

405 (d) Order terms of treatment calculated to assist the
406 child and the child's parents or guardian which are within the
407 ability of the parent or guardian to perform;

408 (e) Order terms of supervision which may include
409 participation in a constructive program of service or education or
410 civil fines not in excess of Five Hundred Dollars (\$500.00), or
411 restitution not in excess of actual damages caused by the child to
412 be paid out of his own assets or by performance of services
413 acceptable to the victims and approved by the youth court and
414 reasonably capable of performance within one (1) year;

415 (f) Suspend the child's driver's license by taking and
416 keeping it in custody of the court for not more than one (1) year;

417 (g) Give legal custody of the child to any of the
418 following:

419 (i) The Department of Human Services for
420 appropriate placement; or

421 (ii) Any public or private organization,
422 preferably community-based, able to assume the education, care and
423 maintenance of the child, which has been found suitable by the
424 court; or

425 (iii) The Department of Human Services for
426 placement in a wilderness training program or the Division of
427 Youth Services for placement in a state-supported training school,
428 except that no child under the age of ten (10) years shall be
429 committed to a state training school, and no first-time nonviolent
430 youth offenders shall be committed to a state training school
431 until all other options provided for in this section have been
432 considered and the court makes a specific finding of fact that
433 commitment is appropriate.

434 The training school may retain custody of the child until the
435 child's twentieth birthday but for no longer. When the child is
436 committed to a training school, the child shall remain in the
437 legal custody of the training school until the child has made
438 sufficient progress in treatment and rehabilitation and it is in
439 the best interest of the child to release the child. However, the
440 superintendent of a state training school, in consultation with
441 the treatment team, may parole a child at any time he may deem it
442 in the best interest and welfare of such child. Twenty (20) days
443 prior to such parole, the training school shall notify the
444 committing court of the pending release. The youth court may then
445 arrange subsequent placement after a reconvened disposition
446 hearing, except that the youth court may not recommit the child to
447 the training school or any other secure facility without an
448 adjudication of a new offense or probation or parole violation.
449 The Department of Human Services shall ensure that staffs create
450 transition planning for youth leaving the facilities. Plans shall
451 include providing the youth and his or her parents or guardian
452 with copies of the youth's training school educational and health

453 records, information regarding the youth's home community,
454 referrals to mental and counseling services when appropriate, and
455 providing assistance in making initial appointments with community
456 service providers. Prior to assigning the custody of any child to
457 any private institution or agency, the youth court through its
458 designee shall first inspect the physical facilities to determine
459 that they provide a reasonable standard of health and safety for
460 the child. No child shall be placed in the custody of a state
461 training school for a status offense or for contempt of or
462 revocation of a status offense adjudication unless the child is
463 contemporaneously adjudicated for having committed an act of
464 delinquency that is not a status offense. A disposition order
465 rendered under this subparagraph shall meet the following
466 requirements:

467 1. The disposition is the least restrictive
468 alternative appropriate to the best interest of the child and the
469 community;

470 2. The disposition allows the child to be in
471 reasonable proximity to the family home community of each child
472 given the dispositional alternatives available and the best
473 interest of the child and the state; and

474 3. The disposition order provides that the
475 court has considered the medical, educational, vocational, social
476 and psychological guidance, training, social education,
477 counseling, substance abuse treatment and other rehabilitative
478 services required by that child as determined by the court;

479 (h) Recommend to the child and the child's parents or
480 guardian that the child attend and participate in the Youth
481 Challenge Program under the Mississippi National Guard, as created
482 in Section 43-27-203, subject to the selection of the child for
483 the program by the National Guard; however, the child must

484 volunteer to participate in the program. The youth court shall
485 not order any child to apply or attend the program;

486 (i) (i) Adjudicate the juvenile to the Statewide
487 Juvenile Work Program if the program is established in the court's
488 jurisdiction. The juvenile and his parents or guardians must sign
489 a waiver of liability in order to participate in the work program.
490 The judge will coordinate with the youth services counselors as to
491 placing participants in the work program;

492 (ii) The severity of the crime, whether or not the
493 juvenile is a repeat offender or is a felony offender will be
494 taken into consideration by the judge when adjudicating a juvenile
495 to the work program. The juveniles adjudicated to the work
496 program will be supervised by police officers or reserve officers.
497 The term of service will be from twenty-four (24) to one hundred
498 twenty (120) hours of community service. A juvenile will work the
499 hours to which he was adjudicated on the weekends during school
500 and weekdays during the summer. Parents are responsible for a
501 juvenile reporting for work. Noncompliance with an order to
502 perform community service will result in a heavier adjudication.
503 A juvenile may be adjudicated to the community service program
504 only two (2) times;

505 (iii) The judge shall assess an additional fine on
506 the juvenile which will be used to pay the costs of implementation
507 of the program and to pay for supervision by police officers and
508 reserve officers. The amount of the fine will be based on the
509 number of hours to which the juvenile has been adjudicated;

510 (j) Order the child to participate in a youth court
511 work program as provided in Section 43-21-627; * * *

512 (k) Order the child into a juvenile detention center
513 operated by the county or into a juvenile detention center
514 operated by any county with which the county in which the court is
515 located has entered into a contract for the purpose of housing

516 delinquents. The time period for * * * detention cannot exceed
517 ninety (90) days, and any detention exceeding forty-five (45) days
518 shall be administratively reviewed by the youth court no later
519 than forty-five (45) days after the entry of the order. The youth
520 court judge may order that the number of days specified in the
521 detention order be served either throughout the week or on
522 weekends only. No first-time nonviolent youth offender shall be
523 committed to a detention center for a period of ninety (90) days
524 until all other options provided for in this section have been
525 considered and the court makes a specific finding of fact that
526 commitment to a detention center is appropriate. However, if a
527 child is committed to a detention center ninety (90) consecutive
528 days, the disposition order shall meet the following requirements:

529 (i) The disposition order is the least restrictive
530 alternative appropriate to the best interest of the child and the
531 community;

532 (ii) The disposition order allows the child to be
533 in reasonable proximity to the family home community of each child
534 given the dispositional alternatives available and the best
535 interest of the child and the state; and

536 (iii) The disposition order provides that the
537 court has considered the medical, educational, vocational, social
538 and psychological guidance, training, social education,
539 counseling, substance abuse treatment and other rehabilitative
540 services required by that child as determined by the court; or

541 (1) Referral to A-team provided system of care
542 services.

543 (2) If a disposition order requires that a child miss school
544 due to other placement, the youth court shall notify a child's
545 school while maintaining the confidentiality of the youth court
546 process.

547 (3) In addition to any of the disposition alternatives
548 authorized under subsection (1) of this section, the disposition
549 order in any case in which the child is adjudicated delinquent for
550 an offense under Section 63-11-30 shall include an order denying
551 the driver's license and driving privileges of the child as
552 required under Section 63-11-30(9).

553 (4) If the youth court places a child in a state-supported
554 training school, the court may order the parents or guardians of
555 the child and other persons living in the child's household to
556 receive counseling and parenting classes for rehabilitative
557 purposes while the child is in the legal custody of the training
558 school. A youth court entering an order under this subsection (3)
559 shall utilize appropriate services offered either at no cost or
560 for a fee calculated on a sliding scale according to income unless
561 the person ordered to participate elects to receive other
562 counseling and classes acceptable to the court at the person's
563 sole expense.

564 (5) Fines levied under this chapter shall be paid into the
565 general fund of the county but, in those counties wherein the
566 youth court is a branch of the municipal government, it shall be
567 paid into the municipal treasury.

568 (6) Any institution or agency to which a child has been
569 committed shall give to the youth court any information concerning
570 the child as the youth court may at any time require.

571 (7) The youth court shall not place a child in another
572 school district who has been expelled from a school district for
573 the commission of a violent act. For the purpose of this
574 subsection, "violent act" means any action which results in death
575 or physical harm to another or an attempt to cause death or
576 physical harm to another.

577 (8) The youth court may require drug testing as part of a
578 disposition order. If a child tests positive, the court may

579 require treatment, counseling and random testing, as it deems
580 appropriate. The costs of such tests shall be paid by the parent,
581 guardian or custodian of the child unless the court specifically
582 finds that the parent, guardian or custodian is unable to pay.

583 (9) The Mississippi Department of Human Services, Division
584 of Youth Services, shall operate and maintain services for youth
585 adjudicated delinquent at Columbia and Oakley Training Schools.
586 The program shall be designed for children committed to the
587 training schools by the youth courts. The purpose of the program
588 is to promote good citizenship, self-reliance, leadership and
589 respect for constituted authority, teamwork, cognitive abilities
590 and appreciation of our national heritage. The Division of Youth
591 Services shall issue credit towards academic promotions and high
592 school completion. The Division of Youth Services may award
593 credits to each student who meets the requirements for a general
594 education development certification. The Division of Youth
595 Services must also provide to each special education eligible
596 youth the services required by that youth's individualized
597 education plan.

598 (10) The Legislature shall utilize the John C. Stennis
599 Institute of Government, the Mississippi State Social Science
600 Research Center and the Joint Legislative Committee on Performance
601 Evaluation and Expenditure Review (PEER) to complete independent
602 evaluations of Mississippi's juvenile justice system to determine
603 whether taxpayers are funding services for children that are both
604 cost efficient and proven to reduce juvenile delinquency, and to
605 determine the costs for the state to comply with the memorandum of
606 agreement and consent decree in U.S. v. Mississippi. All
607 information required to complete the evaluation shall not reveal
608 the identifying information of any youth. The evaluation shall be
609 completed by October 1, 2006.

610 (11) There is created a study committee to determine what
611 entity should be responsible for providing the educational
612 services within detention centers to ensure that detained youth
613 receive adequate educational services. The study is also to
614 include, but is not limited to, the examination of the costs of
615 providing such educational services. The study committee shall
616 consist of the following 10 members:

617 (a) The Chairperson of the House of Representatives of
618 the Juvenile Justice Committee;

619 (b) The Chairperson of the Senate Judiciary B
620 Committee;

621 (c) The Chairperson of the House of Representatives
622 Education Committee or his or her designee;

623 (d) The Chairperson of the Senate Education Committee
624 or his or her designee;

625 (e) Three (3) members from the House of
626 Representatives, appointed by the Chairperson of the Juvenile
627 Justice Committee; and

628 (f) Three (3) members from the Senate, appointed by the
629 Chairperson of the Senate Judiciary B Committee.

630 At its first meeting the study committee shall elect a
631 chairperson and vice chairperson from its membership and shall
632 adopt rules for transacting its business and keeping its records.

633 By October 31, 2006, the study committee shall make a report
634 of its work and recommendations.

635 **SECTION 6.** Section 43-27-201, Mississippi Code of 1972, is
636 amended as follows:

637 43-27-201. (1) The purpose of this section is to outline
638 and structure a long-range proposal in addition to certain
639 immediate objectives for improvements in the juvenile correctional
640 facilities of the Division of Youth Services of the Mississippi
641 Department of Human Services in order to provide modern and

642 efficient correctional and rehabilitation facilities for juvenile
643 offenders in Mississippi, who are committing an increasing
644 percentage of serious and violent crimes.

645 (2) The Department of Finance and Administration, acting
646 through the Bureau of Building, Grounds and Real Property
647 Management, using funds from bonds issued under this chapter,
648 monies appropriated by the Legislature for such purposes, federal
649 matching or other federal funds, federal grants or other available
650 funds from whatever source, shall provide for, by construction,
651 lease, lease-purchase or otherwise, and equip the following
652 juvenile correctional facilities under the jurisdiction and
653 responsibility of the Division of Youth Services of the Department
654 of Human Services:

655 (a) Construct an additional one-hundred-fifty-bed,
656 stand-alone, medium security juvenile correctional facility for
657 habitual violent male offenders, which complies with American
658 Correctional Association Accreditation standards and applicable
659 building and fire safety codes. The medium security, male
660 juvenile facility location shall be on property owned by the
661 Division of Youth Services, or its successor, or at a site
662 selected by the Bureau of Building, Grounds and Real Property
663 Management on land which is hereafter donated to the state
664 specifically for the location of such facility.

665 (b) Construct an additional one-hundred-bed minimum
666 security juvenile correctional facility for female offenders, and
667 an additional stand-alone, fifteen-bed maximum security juvenile
668 correctional facility for female offenders, which complies with
669 American Correctional Association Accreditation standards and
670 applicable building and fire safety codes. The minimum security
671 and maximum security female juvenile facilities location shall be
672 on property owned by the Division of Youth Services, or its
673 successor, or at a site selected by the Bureau of Building,

674 Grounds and Real Property Management on land which is hereafter
675 donated to the state specifically for the location of such
676 facility.

677 (3) Upon the selection of a proposed site for a correctional
678 facility for juveniles authorized under subsection (2), the Bureau
679 of Building, Grounds and Real Property Management of the
680 Department of Finance and Administration shall notify the board of
681 supervisors of the county in which such facility is proposed to be
682 located and shall publish a notice as hereinafter set forth in a
683 newspaper having general circulation in such county. Such notice
684 shall include a description of the tract of land in the county
685 whereon the facility is proposed to be located, the nature and
686 size of the facility and the date on which the determination of
687 the Bureau of Building, Grounds and Real Property Management shall
688 be final as to the location of such facility, which date shall not
689 be less than forty-five (45) days following the first publication
690 of such notice. Such notice shall include a brief summary of the
691 provisions of this section pertaining to the petition for an
692 election on the question of the location of the juvenile housing
693 facility in such county. Such notice shall be published not less
694 than one (1) time each week for at least three (3) consecutive
695 weeks in at least one (1) newspaper published in such county.

696 If no petition requesting an election is filed before the
697 date of final determination stated in such notice, then the bureau
698 shall give final approval to the location of such facility.

699 If at any time before the aforesaid date a petition signed by
700 twenty percent (20%), or fifteen hundred (1,500), whichever is
701 less, of the qualified electors of the county involved shall be
702 filed with the board of supervisors requesting that an election be
703 called on the question of locating such facility, then the board
704 of supervisors shall adopt a resolution calling an election to be
705 held within such county upon the question of the location of such

706 facility. Such election shall be held, as far as practicable, in
707 the same manner as other elections are held in counties. At such
708 election, all qualified electors of the county may vote, and the
709 ballots used at such election shall have printed thereon a brief
710 statement of the facility to be constructed and the words "For the
711 construction of the facility in (here insert county name) County"
712 and "Against the construction of the facility in (here insert
713 county name) County." The voter shall vote by placing a cross (X)
714 or check mark (√) opposite his choice on the proposition. When
715 the results of the election on the question of the construction of
716 the facility shall have been canvassed by the election
717 commissioners of the county and certified by them to the board of
718 supervisors, it shall be the duty of the board of supervisors to
719 determine and adjudicate whether or not a majority of the
720 qualified electors who voted thereon in such election voted in
721 favor of the construction of the facilities in such county.
722 Unless a majority of the qualified electors who voted in such
723 election shall have voted in favor of the construction of the
724 facilities in such county, then such facility shall not be
725 constructed in such county.

726 (4) The Division of Youth Services shall establish, maintain
727 and operate an Adolescent Offender Program (AOP), which may
728 include non-Medicaid assistance eligible juveniles. Beginning
729 July 1, 2006, subject to availability of funds appropriated
730 therefor by the Legislature, the Division of Youth Services shall
731 phase in AOPs in every county of the state over a period of four
732 (4) years. The phase-in of the AOPs shall be as follows:

733 (a) As of July 1, 2007, not less than twenty (20)
734 counties shall be served by at least one (1) AOP;

735 (b) As of July 1, 2008, not less than forty (40)
736 counties shall be served by at least one (1) AOP;

737 (c) As of July 1, 2009, not less than sixty (60)
738 counties shall be served by at least one (1) AOP; and

739 (d) As of July 1, 2010, all eighty-two (82) counties
740 shall be served by at least one (1) AOP.

741 AOP professional services, salaries, facility offices,
742 meeting rooms and related supplies and equipment may be provided
743 through contract with local mental health or other nonprofit
744 community organizations. Each AOP must incorporate evidence-based
745 practices and positive behavioral intervention that includes two
746 (2) or more of the following elements: academic, tutoring,
747 literacy, mentoring, vocational training, substance abuse
748 treatment, family counseling and anger management. Programs may
749 include, but shall not be limited to, after school and weekend
750 programs, job readiness programs, home detention programs,
751 community service conflict resolution programs, restitution and
752 community service.

753 (5) The Division of Youth Services shall operate and
754 maintain the Forestry Camp Number 43 at the Columbia Training
755 School, originally authorized and constructed in 1973, to consist
756 of a twenty-bed dormitory, four (4) offices, a classroom, kitchen,
757 dining room, day room and apartment. The purpose of this camp
758 shall be to train juvenile detention residents for community
759 college and other forestry training programs.

760 (6) The Division of Youth Services shall establish a ten-bed
761 transitional living facility for the temporary holding of training
762 school adolescents who have reached their majority, have completed
763 the GED requirement, and are willing to be rehabilitated until
764 they are placed in jobs, job training or postsecondary programs.
765 Such transitional living facility may be operated pursuant to
766 contract with a nonprofit community support organization.

767 **SECTION 7.** (1) There is established the Youth Court
768 Incarceration Alternatives Fund. The purpose of the fund shall be

769 to provide funding for grants or services to Mississippi youth
770 courts to develop nonduplicative programs or support services that
771 promote uniformity of the youth court system. Programs funded
772 through the Youth Court Incarceration Alternatives Fund must be
773 nonresidential, community-based programs that incorporate
774 evidence-based practices and positive behavioral interventions.
775 Monies from this fund shall be administered by the Department of
776 Public Safety.

777 (2) Any youth court must submit an application to the
778 Department of Public Safety. The application must include a
779 description of the purpose for which assistance is requested, the
780 amount of assistance requested and any other information required
781 by the Department of Public Safety, in consultation with the
782 Department of Human Services and Administrative Office of Courts.

783 (3) There is created in the State Treasury a special fund to
784 be designated as the "Youth Court Incarceration Alternatives
785 Fund," which shall consist of funds appropriated or otherwise made
786 available by the Legislature in any manner and funds from any
787 other source designated for deposit into such fund. Unexpended
788 amounts remaining in the fund at the end of a fiscal year shall
789 not lapse into the State General Fund, and any investment earnings
790 or interest earned on amounts in the fund shall be deposited to
791 the credit of the fund. Monies in the fund shall be distributed
792 to the youth courts by the Department of Public Safety for the
793 purposes described in this section.

794 (4) The Youth Court Incarceration Alternatives Fund shall
795 receive an annual reoccurring appropriation of Three Million
796 Dollars (\$3,000,000.00).

797 (5) This section shall stand repealed from and after July 1,
798 2008.

799 **SECTION 8.** (1) There is established the Tony Gobar Juvenile
800 Justice Alternative Sanction Grant Program for the purpose of

801 providing grants to faith-based organizations and nonprofit 501
802 (c)(3) organizations that develop and operate community-based
803 alternatives to the training schools and detention centers. In
804 order to be eligible for a grant under this section, a faith-based
805 or nonprofit 501 (c)(3) organization in cooperation with a youth
806 court must develop and operate a juvenile justice alternative
807 sanction designed for delinquent youths. The program must be
808 designed to decrease reliance on commitment in juvenile detention
809 facilities and training schools. Programs must not duplicate
810 existing programs or services and must incorporate evidence-based
811 practices and positive behavioral intervention including two (2)
812 or more of the following elements: academic tutoring/literacy,
813 dropout prevention, mentoring, vocational training, substance
814 abuse treatment, family counseling and anger management, and
815 faith-based programming. Programs may include, but shall not be
816 limited to, after school and weekend programming, job readiness
817 programs, home detention programs, restitution, conflict
818 resolution programs, and community service.

819 (2) A faith-based or nonprofit 501 (c)(3) must submit an
820 application to the Department of Public Safety. The application
821 must include a description of the purpose for which assistance is
822 requested, the amount of assistance requested and any other
823 information required by the Department of Public Safety in
824 consultation with the Department of Human Services.

825 (3) The Department of Public Safety shall have all powers
826 necessary to implement and administer the program established
827 under this section, and the department shall
828 promulgate rules and regulations, in accordance with the
829 Mississippi Administrative Procedures Law, necessary for the
830 implementation of this section.

831 (4) There is created in the State Treasury a special fund to
832 be designated as the "Tony Gobar Juvenile Justice Alternative

833 Sanctions Grant Fund," which shall consist of funds appropriated
834 or otherwise made available by the Legislature in any manner and
835 funds from any other source designated for deposit into such fund.
836 Unexpended amounts remaining in the fund at the end of a fiscal
837 year shall not lapse into the State General Fund, and any
838 investment earnings or interest earned on amounts in the fund
839 shall be deposited to the credit of the fund. Monies in the fund
840 shall be used by the Department of Public Safety for the purposes
841 described in this section. The Tony Gobar Juvenile Justice
842 Alternative Sanctions Grant Fund shall receive an annual
843 reoccurring appropriation of Two Million Dollars (\$2,000,000.00).

844 (5) This section shall stand repealed from and after July 1,
845 2008.

846 **SECTION 9.** This act shall take effect and be in force from
847 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE MISSISSIPPI JUVENILE DELINQUENCY
2 PREVENTION ACT OF 2006; TO AMEND SECTION 43-21-201, MISSISSIPPI
3 CODE OF 1972, TO REQUIRE THAT YOUTH COURT-APPOINTED ATTORNEYS
4 RECEIVE TRAINING IN JUVENILE JUSTICE ISSUES; TO AMEND SECTION
5 43-21-301, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE HOLDING OF A
6 STATUS OFFENDER IN DETENTION FOR LONGER THAN 24 HOURS BEFORE SUCH
7 AN OFFENDER HAS HAD HIS OR HER INITIAL COURT APPEARANCE; TO AMEND
8 SECTION 43-21-311, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
9 CERTAIN RIGHTS SHALL BE READ TO A CHILD WHEN HE OR SHE IS TAKEN
10 INTO CUSTODY; TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF
11 1972, TO REQUIRE CERTAIN MINIMUM DETENTION STANDARDS FOR JUVENILE
12 DETENTION FACILITIES; TO AMEND SECTION 43-21-605, MISSISSIPPI CODE
13 OF 1972, TO REQUIRE AN EVALUATION OF CERTAIN ASPECTS OF THE
14 STATE'S JUVENILE JUSTICE SYSTEM; TO CREATE A STUDY COMMITTEE TO
15 ANALYZE WHAT ENTITY SHOULD PROVIDE EDUCATIONAL SERVICES TO YOUTH
16 IN DETENTION CENTERS; TO AMEND SECTION 43-27-201, MISSISSIPPI CODE
17 OF 1972, TO REQUIRE THAT ADOLESCENT OFFENDER PROGRAMS PROVIDE

18 CERTAIN SERVICES; TO ESTABLISH THE YOUTH COURT INCARCERATION
19 ALTERNATIVES FUND; TO ESTABLISH THE TONY GOBAR JUVENILE JUSTICE
20 ALTERNATIVE SANCTION GRANT PROGRAM; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Wells-Smith

X (SIGNED)
Hines

(NOT SIGNED)
Ellis

CONFEREES FOR THE SENATE

X (SIGNED)
Tollison

X (SIGNED)
Walls

(NOT SIGNED)
Albritton